



THE CITY OF NEW YORK
LAW DEPARTMENT
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NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

February 24, 2012

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: USA v. City, Civil Action No.: 07 CV 2067 (NGG)(RLM)
Law Dept. No.: 2007-01744

Dear Judge Garaufis:

Defendant respectfully requests that individual determinations on noneconomic damages should await the outcome of the City's appeal of the Remedial Order and Partial Judgment, Permanent Injunction & Order Appointing a Court Monitor (Dkt # 765) which seeks review of the discriminatory treatment ruling. As it would be most efficient for a Special Master to determine backpay and noneconomic damages at the same time, the City respectfully suggests that while notice to the potential claimants and other steps in the claims process may go forward, the determination of individual relief should be postponed until after the appeal is decided. *See Wattleton v. Ladish Co.*, 520 F. Supp. 1329, 1350 (E.D. Wis. 1981) (deferring appointment of a special master for computation of damages until after disposition of appeal).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael A. Cardozo", with a stylized flourish at the end.

Michael A. Cardozo

Cc: All Counsel